

**MINUTES OF THE REGULAR MEETING  
OF THE PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF BARRINGTON  
Monday, November 10, 2003**

**CALL TO ORDER**

The Regular Meeting of the President and Board of Trustees was called to order by President Reagle at 8:19 p.m., in the Village Board Room, 200 South Hough Street, Barrington, Illinois. Ann Spurgeon of the Salem United Methodist Church led the pledge of allegiance and then gave the invocation.

**ROLL CALL**

Upon roll being called the following answered present: Trustees Karen Darch, Jack Schaefer, Beth Raseman, Jeanne Yeagley, Jim Daluga; President Marshall Reagle. Absent was Trustee Hunt (Trustee Hunt arrived at 9:55 p.m. as hereinafter set forth in the minutes). Also present were: Village Clerk Ron Koppelman, Acting Village Manager Jeff Lawler, Deputy Village Manager Denise Pieroni, Village Attorney Ed Springer,

**READING OF AGENDA**

President Reagle asked the Board if there were any additions, corrections or deletions to the Agenda. It was noted for the record that no changes to the agenda were requested.

**APPROVAL OF MINUTES**

- a. August 25, 2003 – Regular Board Meeting
- b. September 8, 2003 – Regular Board Meeting
- c. October 13, 2003 – Regular Board Meeting

**MOTION:** A motion was duly made by Trustee Daluga and seconded by Trustee Darch to approve the minutes of the August 25, 2003 Regular Board Meeting of the Corporate Authorities as presented.

**ROLL CALL:** Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, absent; Trustee Daluga, aye. President Reagle declared the motion passed and the minutes approved.

**MOTION:** A motion was duly made by Trustee Darch and seconded by Trustee Yeagley to approve the minutes of the September 8, 2003 Regular Board Meeting of the Corporate Authorities as presented.

**ROLL CALL:** Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, absent; Trustee Daluga, aye. President Reagle declared the motion passed and the minutes approved.

**MOTION:** A motion was duly made by Trustee Darch and seconded by Trustee Raseman to approve the minutes of the October 13, 2003 Regular Meeting of the Corporate Authorities as presented.

Trustee Yeagley requested that her comments regarding Klein, Thorpe, & Jenkins be amended. Trustee Raseman suggested that if Trustee Yeagley did not agree with the Minutes that she should vote accordingly.

**ROLL CALL:** Trustee Darch, aye; Trustee Schaefer first stated he abstained and then stated he voted, aye; Trustee Raseman, aye; Trustee Yeagley, nay; Trustee Hunt, absent; Trustee Daluga, aye, President Reagle, nay. President Reagle declared the motion passed and the minutes approved.

**PERSONS TO BE HEARD FROM THE FLOOR – CITIZEN'S REGISTRATION/COMMENTS**

Chris Aleksov of 290 Steeplechase commented on the work to date to preserve the Jewel Tea Building and asked the Board to lead the community toward a compromise.

Bob Woodsome of 739 Orchard Drive commented on an offer made to the Barrington Park District by the Greater Barrington Area Residents for the Preservation of the Jewel Tea Building.

Karl Heitman of 701 S Cook St commented on his concerns about the Barrington Park District's plan to redevelop the property that currently surrounds the Jewel Tea Building.

Patricia Cross of 420 W Hillside commented on her belief that there is no Memorandum of Agreement between the Barrington Park District and the Illinois Historic Preservation Association regarding the Jewel Tea Property.

## **REPORTS OF VILLAGE OFFICIALS**

### **VILLAGE PRESIDENT'S REPORT**

- a. Veto Message Re: Motion to appoint Chief Lawler as the "Acting Village Manager" until the end of President Reagle's term.

President Reagle read aloud a memo that was shared with the Board regarding his veto (a copy of which is included in the Village's records) of the Motion to Appoint Chief Lawler as the "Acting Village Manager".

- b. Moved to New Business - Appointment of Ancel, Glink, Diamond, Bush, DiCianni & Rolek, P.C. as Village Attorney.
- c. President Reagle read aloud a letter from Michael Sheahan of the Office of Cook County Sheriff regarding an award for Officer David Dorn.

President Reagle reported on discussions and topics covered at the Legislative Breakfast hosted at the Garlands of Barrington including affordable housing and tort law related to bicycle safety.

### **VILLAGE MANAGER'S REPORT**

Acting Village Manager Jeff Lawler reported on the success of the Barrington High School Girls Cross Country team at State competition.

### **VILLAGE CLERK'S REPORT**

Village Clerk Ron Koppelman reported that President Reagle has within the time provided by law signed both Resolution No. 03-2915, Reimbursement to Steven N. Dieter and Kristine C. Dieter for Attorney's Fees and Other Costs of Defense of Pending Lawsuit in the Circuit Court of Cook County Case No. 03 CH 04973 and Ordinance No. 03-3096, First Amendment to the Annual Budget of the Village of Barrington Fiscal Year 2004.

## **COMMITTEE REPORTS**

### **ADMINISTRATIVE SERVICES/FINANCE COMMITTEE**

Trustee Darch reported that sales tax revenues were down compared to last August, but that projections continue to be above the estimated sales tax revenues for 2003. Trustee Darch commented that the Committee will recommend that the Board postpone the Agenda item relating to the redesign of the Village Website. With regard to recently enacted legislation, Trustee Darch commented that the Village must develop a plan that provides for an affordable housing objective of 10%. She clarified that the Village is not obligated to actually provide the affordable housing. Trustee Darch concluded by saying that the language regarding the hiring of the Acting Village Manager was in accordance with state statute.

### **PLANNING & ZONING & ECONOMIC DEVELOPMENT COMMITTEE**

Trustee Yeagley reported that the Committee met on Nov 6<sup>th</sup> and discussed the Historic Overlay District and increases for fees. Regarding the Historic Overlay District, residents have expressed concern that the standards are too strict and should be relaxed to allow for different materials such as vinyl siding and that the restrictions create burdensome expenditures for items like windows. Trustee Yeagley went on to say that the Committee is concerned about changing the standards since the National Standards used today are the only ones known to exist and commented that the possibility existed that the Village would lose its status as a Historic District if it failed to meet those National Standards. Trustee Yeagley remarked about various suggestions presented by the Committee including a survey of the residents in the District as well as changing the size of the District. The Committee agreed

to conduct a survey to determine which structures are contributing to the Historic District and which are not. Trustee Yeagley added that there was agreement on making distinctions between residential and business property to promote business development. Trustee Yeagley concluded by stating that committee meetings will be held in the evenings commencing at 7:00 p.m. instead of the mornings.

#### **PUBLIC SAFETY COMMITTEE**

Trustee Hunt was absent and Trustee Daluga noted that the Public Safety Committee is scheduled to meet the following Wednesday.

#### **PUBLIC WORKS COMMITTEE**

Trustee Schaefer reported that the Committee had not met since the last Board meeting but would be meeting in December.

**CONSENT AGENDA** Pursuant to 65 ILCS 5/3.1-40-40, a single roll call vote of the Village Board of Trustees and the President on a group of ordinances, resolutions, orders, and/or motions.

**MOTION:** A motion was duly made by Trustee Schaefer and seconded by Trustee Daluga to approve taking a single roll call vote to adopt and create a Consent Agenda, consisting of Items 5a, 5b, 5c, 5d, 5e, 5f, and 5g.

For the benefit of the public, President Reagle listed the following items to be included on the Consent Agenda.

**5a. MOTION TO RECEIVE AND PLACE ON FILE** a recommendation from the Zoning Board Appeals (ZBA 03-07) regarding a variations located at the Kohanzo Residence (540 South Cook Street)

**5b. RESOLUTION #03-2916:** Approving an Intergovernmental Agreement with Cook County to Provide Health Inspections

**5c. RESOLUTION #03-2917:** Authorizing Execution of a Contract for the Purchase of Four (4) New Ford Police Pursuit Vehicles

**5d. RESOLUTION #03-2918:** Authorizing and Approving Change Order (WWTP Upgrades Phase 2 Project)

**5e. MOTION:** To extend consideration of PC 02-05: Wamberg Family Limited Partnership – 700 West Main Street (Annexation/ Disconnection, Rezoning, Special Use/ Planned Development, Proposed Intergovernmental Agreement) to December 31, 2003.

**5f. RESOLUTION #03-2919:** Authorizing and Directing the Initiation of Amendments to the Text of the Zoning Ordinance Appendix N: Fees

**5g. RESOLUTION #03-2920:** Authorizing and Approving an Engineering Services Agreement with Gewalt Hamilton and Associates, Inc. in connection with the 2004 Road Improvement Program

**ROLL CALL:** Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, absent; Trustee Daluga, aye; President Reagle, aye. President Reagle declared the motion to take a single roll call vote to adopt and create the Consent Agenda passed unanimously.

**MOTION:** A motion was duly made by Trustee Darch and seconded by Trustee Schaefer to approve the Consent Agenda consisting of Items 5a, 5b, 5c, 5d, 5e, 5f and 5g.

**ROLL CALL:** Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, absent; Trustee Daluga, aye; President Reagle, aye. President Reagle declared the motion passed.

#### **UNFINISHED BUSINESS**

**6a. RESOLUTION #03- :** Approving an Award of a Contract for the Redevelopment of the Village's Web Site (postponed from the September 22, 2003 Regular Board of Trustees Meeting)

**MOTION:** A motion was duly made by Trustee Daluga, seconded by Trustee Darch to postpone the Resolution listed on the Agenda as Item 6a until the November 24, 2003 Regular Board Meeting.

**ROLL CALL:** Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, absent; Trustee Daluga, aye. President Reagle declared the motion passed.

- 6b. RESOLUTION #03-2921:** Regarding Application of AT&T for Special Use (40 East Dundee Road – Ron Beese Park Monopole) ZBA 03-03 (Postponed from July 14, 2003; August 11, 2003; August 25, 2003 and September 8, 2003; September 22, 2003 and October 13, 2003 Village Board Meetings)

Jeff O'Brien commented that Staff's recommendation is to deny the Application of AT&T for Special Use because there is already a designated site for cellular communications on the water tower and that it has been judged inappropriate to designate a new site at Ron Beese Park before the water tower's capacity is filled.

James Copeny of Site Acquisition Consultants located at 655 First Bank Drive, Palatine, IL presented to the Board on behalf of AT&T the sequence of events leading up to the Application for Special Use and their reasoning for selecting Ron Beese Park for the location of the monopole.

Trustee Yeagley suggested that a compromise position at the water tower site might be considered that would include a forgiveness of rent.

Trustee Raseman asked for clarification on the costs for the improvement of the building at Ron Beese Park and suggested that the Petitioner and Staff discuss a compromise that might include modifications to the specifications for the structure at the water tower site to minimize the cost of construction.

Trustee Darch commented that she supported the concept of reaching a compromise position at the water tower site.

At 9:55 p.m. President Reagle noted for the record that Trustee Hunt joined the Board at the dais.

**MOTION:** A motion was duly made by Trustee Darch and seconded by Trustee Daluga to pass, as presented, the Resolution listed on the Agenda as 6b. Trustee Darch pointed out that approval of the Resolution would deny the application for a special use at Ron Beese Park.

**ROLL CALL:** Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed.

- 6c. RESOLUTION #03- : ARC 03-04 AT&T Certificate of Approval** (Postponed from July 14, 2003; August 11, 2003; August 25, 2003 and September 8, 2003; September 22, 2003 and October 13, 2003 Village Board Meetings)

**MOTION:** A motion was duly made by Trustee Darch and seconded by Trustee Daluga to pass, as presented, the Resolution listed on the Agenda as Item 6c.

**ROLL CALL:** Trustee Darch, nay; Trustee Schaefer, nay; Trustee Raseman, nay; Trustee Yeagley, nay; Trustee Hunt, nay; Trustee Daluga, nay. President Reagle declared the motion did not carry.

## **PRESENTATION OF BUDGET AWARD**

Susan Griffin, Director of Finance for the Village of Lake Bluff, on behalf of The Government Finance Officers Association presented to Jason Hayden, Assistant to the Director of Administrative Services, and the Village of Barrington the Distinguished Budget Award.

## **RECESS**

President Reagle declared a brief recess at 10:00 p.m.

At 10:15 p.m. President Reagle noted for the record that all those present at the start of the recess were now present at the dais.

- 6d. ORDINANCE #03-           : Amending Chapter 2, Article III, Section 2-53 Through 2-77 of the Barrington Village Code (With Respect to a Village Manager) (Prepared by Ed Springer)**

Trustee Darch commented that she believes a postponement would help the Village make the best decision. Trustee Schaefer added that a few more days to review the information would be beneficial. Trustee Yeagley stated that she disagreed with postponing the vote.

- 6e. ORDINANCE #03-           : Amending Chapter 2, Article VI, Section 2-116 of the Barrington Village Code (With Respect to the creation of Office of Village Attorney) (Prepared by Ed Springer)**

- 6f. ORDINANCE #03-           : Amending the Village Code Concerning the Appointment and Removal of a Village Manager and Acting Village Manager (Prepared by Ancel, Glink, Diamond, Bush, DiCianni & Rolek, P.C.)**

**MOTION TO POSTPONE ITEMS 6d, 6e AND 6f:** A motion was duly made by Trustee Darch and seconded by Trustee Daluga to postpone consideration to the November 24, 2003 meeting of each of the Ordinances listed as Items 6d, 6e, and 6f.

**ROLL CALL ON MOTION TO POSTPONE:** Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, nay; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed.

- 6g. ORDINANCE #03-3099: Amending the Village Code Concerning the Appointment and Removal of a Village Attorney and Village Prosecutor (Prepared by Ancel, Glink, Diamond, Bush, DiCianni & Rolek, P.C.)**

**MOTION:** A motion was duly made by Trustee Daluga and seconded by Trustee Hunt to pass, as presented, the Ordinance listed as Item 6g on the Agenda. The original Motion made by Trustee Darch and seconded by Trustee Raseman to pass the Ordinance as presented was withdrawn.

Trustee Darch presented the Board with an amended draft of the Ordinance.

**MOTION:** A motion was duly made by Trustee Darch and seconded by Trustee Raseman to amend the Ordinance listed as Item 6g on the Agenda to include the changes set forth in the amended draft of the proposed Ordinance, a copy of which is attached to these minutes.

Trustee Yeagley asked for a 10minute recess to discuss the amended draft. Trustee Darch asked for the opportunity to explain the amended Ordinance prior to recess and began by explaining the change in the title of the Ordinance and saying that the practice of citing case law is not common for the Village of Barrington or needed for this Ordinance in particular. Trustee Darch explained that Section 2 of the amended Ordinance repeals Ordinance 03-3061 that provides that contracts entered into would not be repealed if this Ordinance was carried by a majority vote. Trustee Darch continued by reviewing provisions in the proposed amendments to the draft of the Ordinance.

President Reagle asked for a brief recess at 10:30 p.m.

President Reagle noted for the record that at 10:35 p.m. all those present at the start of the recess were present at the dais.

**ROLL CALL ON THE AMENDMENT PROPOSED TO ITEM 6g** (a copy of which is attached to these minutes): Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, nay; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed and the draft of Item 6g amended.

**ROLL CALL ON THE ORDINANCE PROPOSED BY ITEM 6g AS AMENDED:** Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, nay; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed Ordinance as amended.

## **NEW BUSINESS**

**7a. ORDINANCE #03-3100:** Zoning Ordinance Variation – ZBA 03-07: Kohanzo/ Rieken Residence (540 South Cook Street) Side Yard Setback Variation – Residence

Jeff O'Brien commented that Staff has recommended denial of the variation. Trustee Daluga asked if the current garage was suitable to fit a car.

Dan Kohanzo of 540 South Cook St. replied that while a car fits in the garage, he stated that it is difficult to enter and exit the vehicle once in the garage.

Trustee Schaefer asked if it was possible for a vehicle to navigate the entry into the two car garage. Mr. Kohanzo stated that it is impossible to navigate the garage. Staff suggested that it is difficult but not impossible to navigate the garage.

Mr. O'Brien commented that the ZBA was unanimous in its support for the Variation but that Staff is of the opinion that a hardship does not exist based on the lot size, and that there is an opportunity for a two car garage to exist on the property.

Trustee Yeagley left the meeting at 11:00 p.m.

Trustee Darch asked Mr. O'Brien to comment on the problems presented to Staff if the Variation were to be approved. Mr. O'Brien responded by saying that while Staff generally does not like Variations to the Zoning Ordinance, the decision is the Board's to determine if a practical hardship exists.

**MOTION:** A motion was duly made by Trustee Hunt and seconded by Trustee Darch to pass, as presented, the Ordinance listed as Item 7a on the Agenda.

**ROLL CALL:** Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, absent; Trustee Hunt, aye; Trustee Daluga, aye; President Reagle, aye. President Reagle declared the motion passed.

**7b. ORDINANCE #03-3101:** Zoning Ordinance Variation – ZBA 03-07: Kohanzo/ Rieken Residence (540 South Cook Street) Side Yard Setback for an Accessory Structure in the Rear Yard Variation – Residence

**MOTION:** A motion was duly made by Trustee Darch and seconded by Trustee Raseman to pass, as presented, the Ordinance listed as Item 7b on the Agenda.

**ROLL CALL:** Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, absent; Trustee Hunt, aye; Trustee Daluga, aye; President Reagle, aye. President Reagle declared the motion passed.

**7c. ORDINANCE #03-3102:** Zoning Ordinance Variation – ZBA 03-07: Kohanzo/ Rieken Residence (540 South Cook Street) Rear Yard Setback for an Accessory Structure in the Rear Yard Variation – Residence

**MOTION:** A motion was duly made by Trustee Darch and seconded by Trustee Raseman to pass, as presented, the Ordinance listed as Item 7c on the Agenda.

**ROLL CALL:** Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, absent; Trustee Hunt, aye; Trustee Daluga, aye, President Reagle, aye. President Reagle declared the motion passed.

**7d. Appointment** of Ancel, Glink, Diamond, Bush, DiCianni & Rolek, P.C. as Village Attorney

Trustee Daluga asked if the Motion is to Consent to an Appointment or to Appoint a Village Attorney. President Reagle responded that the Motion is to Consent to an Appointment. Trustee Daluga asked if the entire firm were being appointed or if there were a specific attorney from the firm who would be appointed.

President Reagle responded that Mr. Bush would be Village Attorney. Trustee Daluga presented and read from minutes from a 1991 Board meeting appointing Ed Springer as Village Attorney.

Trustee Darch asked that the Board consider what the implication of the Motion has for Ed Springer's twelve year tenure as Village Attorney.

**MOTION:** A motion was duly made by Trustee Daluga and seconded by Trustee Darch to pass, as presented, the appointment of Ancel, Glink, Diamond, Bush, DiCianni, & Rolek, P.C. as Village Attorney listed as Item 1b under the Village President's Report and considered as Item 7d on the Agenda.

**ROLL CALL:** Trustee Darch, nay; Trustee Schaefer, nay; Trustee Raseman, nay; Trustee Yeagley, absent; Trustee Hunt, nay; Trustee Daluga, nay. President Reagle declared the motion did not pass.

#### **PAYMENT OF BILLS:**

a. Warrants' List – 11/10/03 - \$ 762,282.68 (General)

**MOTION:** A motion was duly made by Trustee Raseman and seconded by Trustee Hunt to approve the payment of the bills included on the voucher listing for the period ending 11/10/03 - \$ 762,282.68 (General).

**ROLL CALL:** Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, absent; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed.

b. Warrants' List – 11/10/03 - \$ 1,194.11 (ComEd)

Trustee Hunt noted for the record that, due to a conflict of interest, he was recusing himself from deliberation on this matter in any way.

**MOTION:** A motion was duly made by Trustee Darch and seconded by Trustee Daluga to approve the payment of the bills included on the voucher listing for the period ending 11/10/03 - \$ 1,194.11 (ComEd).

**ROLL CALL:** Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, absent; Trustee Hunt, recused; Trustee Daluga, aye. President Reagle declared the motion passed.

c. Warrants' List – 10/13/03 - \$ 9,050.81 (125 Reimbursement)

**MOTION:** A motion was duly made by Trustee Raseman and seconded by Trustee Darch to approve the payment of the bills included on the voucher listing for the period ending 10/13/03 - \$ 9,050.81 (125 Reimbursement).

**ROLL CALL:** Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, absent; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed.

#### **COMMENTS – “ROUND THE TABLE”**

Trustee Darch offered congratulations to Jason Hayden and Denise Pieroni and the Staff who work on the Village budget. Trustee Darch concluded by offering the Veterans a wish for a happy Veteran's Day and asked residents to remember those who have served the country.

Trustee Schaefer asked that residents respond positively to request to assist Veteran's programs when solicited. Trustee Schaefer asked President Reagle to consider Denise Pieroni for the appointment to the position of Village Manager and recounted her experience in village government as well as significant contributions to the Village of Barrington. Trustee Schaefer concluded by saying that Acting Village Manager Jeff Lawler endorses Ms. Pieroni for the position as Village Manager.

Trustee Raseman stated that she was a proponent of retaining a search firm to find a new Village Manager. Trustee Raseman suggested that the search was regrettable in some respects, but in other respects was important in helping her appreciate the qualifications of Ms. Pieroni as a Village Manager. Trustee

Raseman went on to say that she would support Ms. Pieroni as Village Manager and would welcome a discussion on her appointment. Trustee Raseman commended the local sports teams on their accomplishments, including the Swim Team, Volleyball Team and Track Team. Trustee Raseman added that she is dismayed about recent statements regarding the budget and that the goal is a balanced budget and applauded staff for making the difficult decisions needed to get to a balanced budget.

Trustee Yeagley was absent.

Trustee Hunt wished that Veteran's Day be day of remembrance for Village residents. Trustee Hunt stated that he also supports Denise Pieroni for Village Manager.

Trustee Daluga thanked Trustee Schaefer for presenting a viable solution to the position of Village Manager.

President Reagle wished the local sports teams the best of luck in upcoming games.

## **ADJOURNMENT**

**MOTION:** A motion was duly made by Trustee Darch and seconded by Trustee Raseman to adjourn the Regular Meeting of the President and Board of Trustees.

A voice vote was then called following which President Reagle declared the motion to adjourn had been unanimously adopted and the meeting was adjourned. The time was approximately 11:50 p.m., Monday, November 10, 2003.

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Ron Koppelman, Village Clerk